

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by David M. Abramson, Planner II

**SUBJECT:** Resolution: DG 10-3-04/ 04-438 / Lakeside Town Shops, 5700 University Drive/Generally located at the northeast corner of University Drive and Stirling Road

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "WOLF FAMILY PLAT," AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Petitioner is requesting to amend the restrictive note on "Wolf Family Plat":

**From:** "This plat is restricted to 275,000 square feet of commercial use. Bank uses are not permitted without approval of the Board of County Commissioners who shall review and address their uses for increased impacts."

**To:** "This plat is restricted to 275,000 square feet of commercial use and 6,200 square feet of bank use."

The Petitioner is requesting to amend the restrictive note on the "Wolf Family Plat" to reflect the new level of development on this property. This request is directly associated to Master Site Plan Application (MSP 2-1-04) Lakeside Town Shops and Site Plan Application (SP 11-2-04) Wachovia Bank.

The "Wolf Family Plat" is adjacent to Stirling Road and Southwest 76<sup>th</sup> Avenue and local road improvements are needed. For consistency, all properties abutting Southwest 76<sup>th</sup> Avenue are required to reconstruct this road to a minimum of 24' wide for the full length of the plat, as well as, contributing into traffic calming.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** N/A

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Justification letter, Plat, Future Land Use Map, Zoning, and Aerial Map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "WOLF FAMILY PLAT," AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "Wolf Family Plat" was recorded in the public records of Broward County in Plat Book 171, Pages 85 - 86; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the "Wolf Family Plat." The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. Reconstruct Southwest 76<sup>th</sup> Avenue to a minimum of 24' wide for the full length of the plat, as well as, contributing into traffic calming, which shall meet local road improvements.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

**Application:** DG 10-3-04 / 04-438 / Lakeside Town Shops  
**Exhibit "A"**

**Revisions:**

**Original Report Date:** 5/11/05

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owner:**

**Name:** Stiles Development Co.

**Address:** 300 SE 2 Street

**City:** Fort Lauderdale, FL 33301

**Phone:** (954) 627-9173

**Petitioner:**

**Name:** Karen Chaperon, Miller Legg & Associates, Inc.

**Address:** 1800 North Douglas Road, Suite 200

**City:** Pembroke Pines, Florida, 33024

**Phone:** (954) 436-7000

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**Background Information**

**Application History:** No deferrals have been requested.

**Application Request:** Petitioner is requesting to amend the restrictive note on "Wolf Family Plat":

**From:** "This plat is restricted to 275,000 square feet of commercial use. Bank uses are not permitted without approval of the Board of County Commissioners who shall review and address their uses for increased impacts."

**To:** "This plat is restricted to 275,000 square feet of commercial use and 6,200 square feet of bank use."

**Address/Location:** 5700 South University Drive / Generally located on the northeast side of Stirling Road and University Drive

**Future Land**

**Use Plan Map:** Commercial

**Zoning:** UC, Urban Commercial District

**Existing/Proposed Use(s):** Vacant / 4,025 sq. ft. financial institution (Wachovia)

**Parcel Size:** Out-parcel 3 / 1.09 acres (47,605 sq. ft.)

**Surrounding Uses:**

**North:** Nursery  
**South:** Vacant Commercial Land/CBWCD/  
Silverado Homes  
**East:** Exotic Acres/Landscape Nursery  
With Single Family Homes  
**West:** University Creek Shops/Gas Station

**Surrounding Land**

**Use Plan Map Designations:**

Commerce/Office  
Commercial  
Residential (5 DU/AC)  
Residential (1 DU/AC),  
Residential (10 DU/AC)  
Commercial

**Surrounding Zoning:**

**North:** CC, Commerce Center District  
**South:** B-3, Planned Business Center District /RM-5, Low Medium Density Dwelling  
District/CF, Community Facilities District  
**East:** A-1, Agricultural District/R-1, Estate Dwelling District  
**West:** B-2, Community Business District

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**Zoning History**

**Related Zoning History:**

*Rezoning Application* (ZB 12-1-03), On June 16, 2004, Town Council approved the rezoning request for the Wolf Family Plat, from CC, Commerce Center District to UC, Urban Commercial District subject to the recordation of a Declaration of Restrictive Covenant to restrict the subject property from the following uses: catering establishments, dance hall/club, game room/arcade, golf course, hotel/motel, mobile home sales, mortuary, motor fuel pumps, motorcycle shop, pawnshop, private clubs, massage parlor, adult bookstore, pinball or electronic game room, an establishment that permits nude or partially nude entertainment, or so called "head shop".

**Concurrent Request on same property:**

*Site Plan Modification* (SPM 3-8-05), This application is proposing modification to the approved Lakeside Townshops master site plan.

**Previous Requests on same property:**

*Plat Application*, Meeks Farms Plat, was approved by the Broward County Commission on January 17, 1995 for 27,810 square feet of office use under the *de minimis* exception to traffic concurrency, with a requirement that a building permit be issued by January 17, 1998. On March 18, 1997, the County Commission approved a delegation request amending the note on the plat to permit 125,000 square feet of office use, with the requirement that a building permit be issued by March 18, 2002. No building permit has been issued and the County's finding of adequacy expired on March 18, 2002.

*Plat Application*, On March 16, 1999, Town Council approved Wolf Family Plat (Plat Book 171, Page 85) through Resolution R 99-91 that allows for 90,000 square feet of commercial use,

387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. This plat was approved by the Broward County Board of County Commissioners on November 7, 2000.

*Land Use Plan Amendment Application* (LA 00-01A), May 3, 2000, Town Council denied to change the land use of the subject site from Commerce/Office to Commercial

*Delegation Request* (DG 12-2-03), On May 19, 2004, Town Council approved the delegation request to amend the restrictive note on the "Wolf Family Plat." From: "This plat is restricted to 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. Commercial uses shall be restricted to restaurants, retail establishments, and personal service and shall not consume more than 20 percent of the gross floor area on this plat. Commercial/retail uses are not permitted within the warehouse/storage and/or office use without the approval of the Board of County Commissioners who shall review and address these uses for increase impacts." To: "This plat is restricted to 275,000 square feet of commercial use."

*Master Site Plan* (MSP 2-1-04), On June 22, 2004, Town Council approved Lakeside Townships master site plan for 272,375 square feet of retail use.

*Developers Agreement* (DA 3-1-04), On May 19, 2004, Town Council approved the developers agreement for the findings of adequacy for Meeks Farms Plat, and amending the restrictive note on the plat From "This plat is restricted to 125,000 square feet of office use. Commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increases impact." To "This plat is restricted to 7,000 square feet of bank use."

*Delegation Request* (DG 3-1-04), On June 16, 2004, Town Council approved the delegation requesting to amend the non-vehicular access line (NVAL) along Stirling Road to allow a 100-foot opening rather than the 50-foot opening recorded on the Wolf Family Plat.

*Land Use Plan Amendment Application* (LA 3-10), On July 7, 2004, Town Council approved this Ordinance 2004-21 to adopt Land Use Amendment LA 3-10 to change the land use of the subject site from Commerce/Office to Commercial.

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## **Comprehensive Plan Considerations**

### **Planning Area:**

The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this

planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8-acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a Girl Scout campground facility, and a private school.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

**Applicable Goals, Objectives & Policies:**

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6:* Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7:* Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

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### **Applicable Codes and Ordinances**

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

*Land Development Code (Section 12-24(D))*, the Urban Commercial (UC) District is intended to provide for a mix of retail, office, and residential uses in a medium to high-density environment. Areas so designated in the Town of Davie Comprehensive Plan will have some open space requirements to complement the higher densities permitted in the district.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

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### **Application Details**

The petitioner requests approval of the resolution to authorize the change in the restrictive note on the “Wolf Family Plat” **from** this plat is restricted to 275,000 square feet of commercial use. Bank uses are not permitted without approval of the Board of County Commissioners who shall review and address their uses for increased impacts, **to** this plat is restricted to 275,000 square feet of commercial use and 6,200 square feet of bank use.

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### **Staff Analysis**

The Comprehensive Plan and Land Development Code permits parcels designated UC, Urban Commercial District to be developed with commercial and bank uses. This request is directly associated to Master Site Plan Application (MSP 2-1-04) Lakeside Town Shops and Site Plan Application (SP 11-2-04) Wachovia Bank.

Approval of this request is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

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### **Findings of Fact**

Staff finds that the proposal to develop 275,000 square feet of commercial use and 6,200 square feet of bank use is consistent with the UC, Urban Commercial District Designation, and is compatible with the surrounding area. Staff has no objection to the request.

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration with the following recommendation:

1. The "Wolf Family Plat" is adjacent to Stirling Road and Southwest 76<sup>th</sup> Avenue and local road improvements are needed. For consistency, all properties abutting Southwest 76<sup>th</sup> Avenue are required to reconstruct this road to a minimum of 24' wide for the full length of the plat, as well as, contributing into traffic calming.
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### **Exhibits**

1. Justification Letter
2. Plat
3. Future Land Use Plan Map
4. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



**“Exhibit 1 - Justification Letter”**

## JUSTIFICATION

### **Delegation Request to Amend the Note on the Wolf Family Plat (067-MP-98)**

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The Wolf Family Plat ("Plat"), generally located on the northeast corner of University Drive and Stirling Road in the Town of Davie was approved by the Broward County Commission on September 28, 2004 with the following restrictive note:

*This plat is restricted to 275,000 square feet of commercial use. Bank uses are not permitted without approval of the Board of County Commissioners who shall review and address their uses for increased impacts.*

Applicant Lakeside Town Shops, Ltd ("Stiles") is requesting to amend the note on the plat to the following:

*This plat is restricted to 275,000 square feet of commercial use and 6,200 square feet of bank use.*

This amendment is necessary to allow for a bank use and the outparcel development of the project.

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CFN #101000736.  
Page 1 of 2  
Recorded 05/08/2002 at 09:30 AM

WITNESSES AS TO ALL THREE (3) PARTIES

David V. Meyer  
 19995 N.W. 67th Ave. L. A. 101122

Barbara J. P. [unclear]  
 19995 N.W. 67th Ave. L. A. 101122

WILLIAM H. CORWELL COMPANY  
SUGAR AND CIGARETTE LAND TRUST

CONSULTING ENGINEERS, LAND PLANNERS, LAND SURVEYORS  
5450 GRIFFIN ROAD, DAVE, FLORIDA 33314 TEL: 584-6880

It is to certify that this play has been approved and accepted by the Town Council of Dave, Richmond County, Florida by resolution accepted

WBS 16 DAY OF March 1973

guy guy

MADE

**TOWN PLANNING AND ZONING BOARD:**  
THIS IS TO CERTIFY THAT THE TOWN PLANNING AND ZONING BOARD OF DAYNE, BROMFIELD COUNTY, VERMONT, HAS APPROVED THIS PLAN.

DATE 9/9/99 BY Shub flycatcher

DEVELOPMENT SERVICES DEPARTMENT  
THAT IS TO CERTIFY THAT THE DEVELOPMENT SERVICES DEPARTMENT OF THE TOWN OF DAVIE,  
DAVIE COUNTY, FLORIDA, HAS APPROVED AND ACCEPTED THIS PLAN.  
BY: *Mr. M. H. Hall*

Don't forget

THIS IS TO CERTIFY THAT THE DROWNED COUNTY PLANNING COUNCIL APPROVED THIS PLAN OF ZONING AND SUBDIVISION FOR THE PURPOSES OF THE RIGHTS OF WAY FOR TRANSPORTATION.

DATED at \_\_\_\_\_ DAY OF \_\_\_\_\_ 1968

Signed by \_\_\_\_\_

DATE \_\_\_\_\_

THIS PLAN COMPLETES WITH THE APPROVAL OF THE BROWARD COUNTY PLANNING BOARD.

DAY OF February 1962

BY James P. [Signature] -  
ASSISTANT ATTORNEY GENERAL

BROWARD COUNTY DEPARTMENT OF  
PLANNING AND ENVIRONMENTAL

PROTECTION.

FORWARD COUNTY ENGINEERING

RECEIVED  
APR 20 1967  
RECEIVED FOR QUALITY CONTROL PURPOSES

1. Wayne Cook  
 HENRY F. COOK  
 FLORIDA REPTERMINAL  
 2000 ZEEB RD. SEASIDE  
 ORANGE, FLORIDA 32667

CENTRAL BROWARD WATER CONTROL DISTRICT

THIS PLAN IS APPROVED BY THE CENTRAL INDIAN WATER CONTROL DISTRICT

REF ID: A66042

BROWARD COUNTY FINANCE AND  
ADMINISTRATIVE SERVICES  
DEPARTMENT, COUNTY RECORDS

DIVISION-RECORDING SECTION: THIS INSTRUMENT WAS FILED FOR RECORD THIS 8 DAY OF May 1960 AND RECORDED IN PLAT BOOK 131 PAGE 46000 VARIOUS.

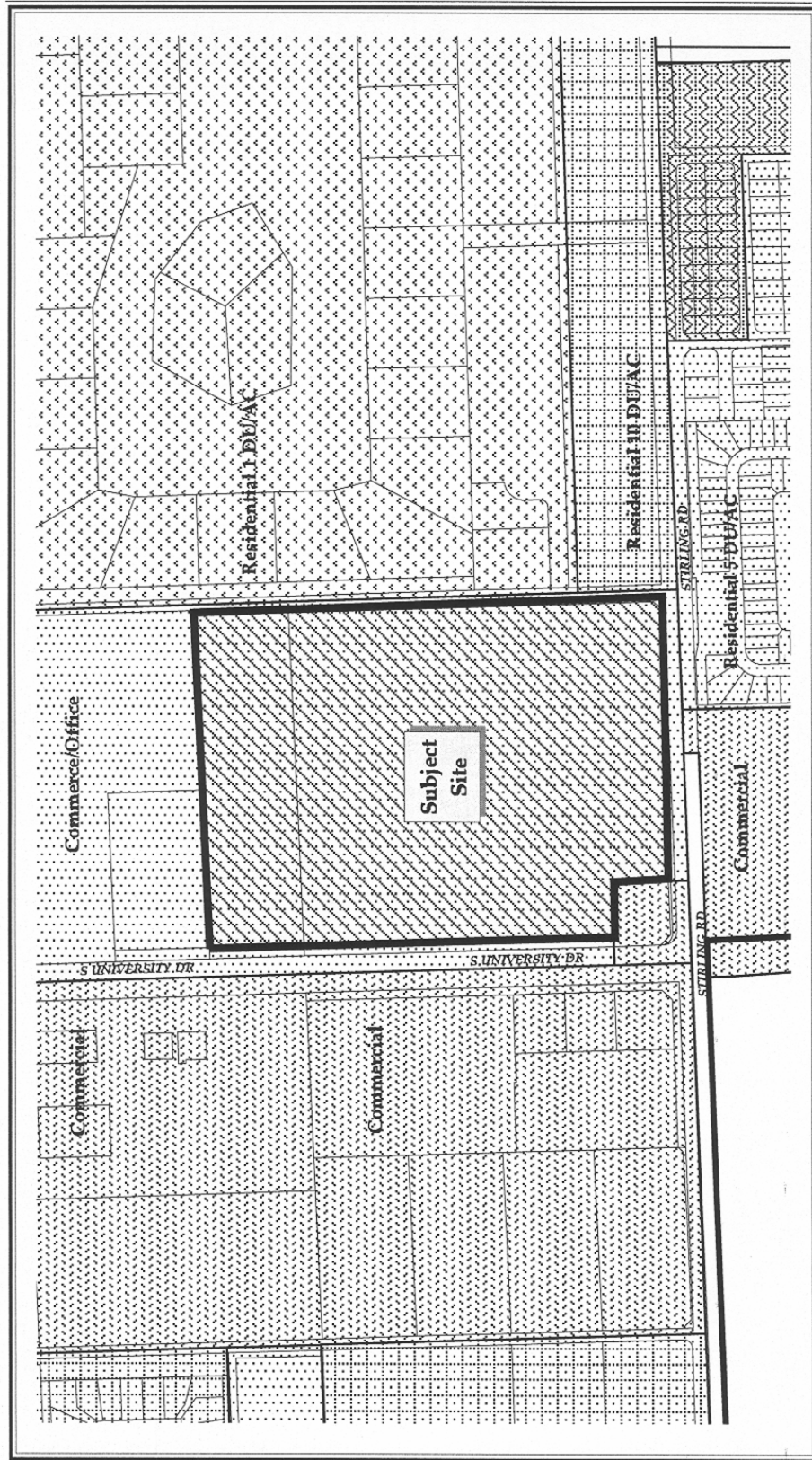
ATTEST: NOTED & FORWARDED  
BY MRS. J. T. KROHN  
SECRETARY

*W. F. Wolfe*  
Secretary

*Delegation Application*  
*DG 10-3-04 / Lakeside Town Shops*  
*Page 8 of 10*



**"Exhibit 3 - Future Land Use Map"**

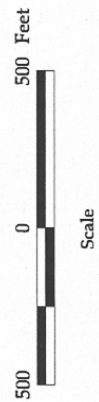


**Delegation Request  
DG 10-3-04, Lakeside Town Shops  
Future Land Use Plan Map**

Prepared By: D.M.A.  
Date Prepared: 5-11-05

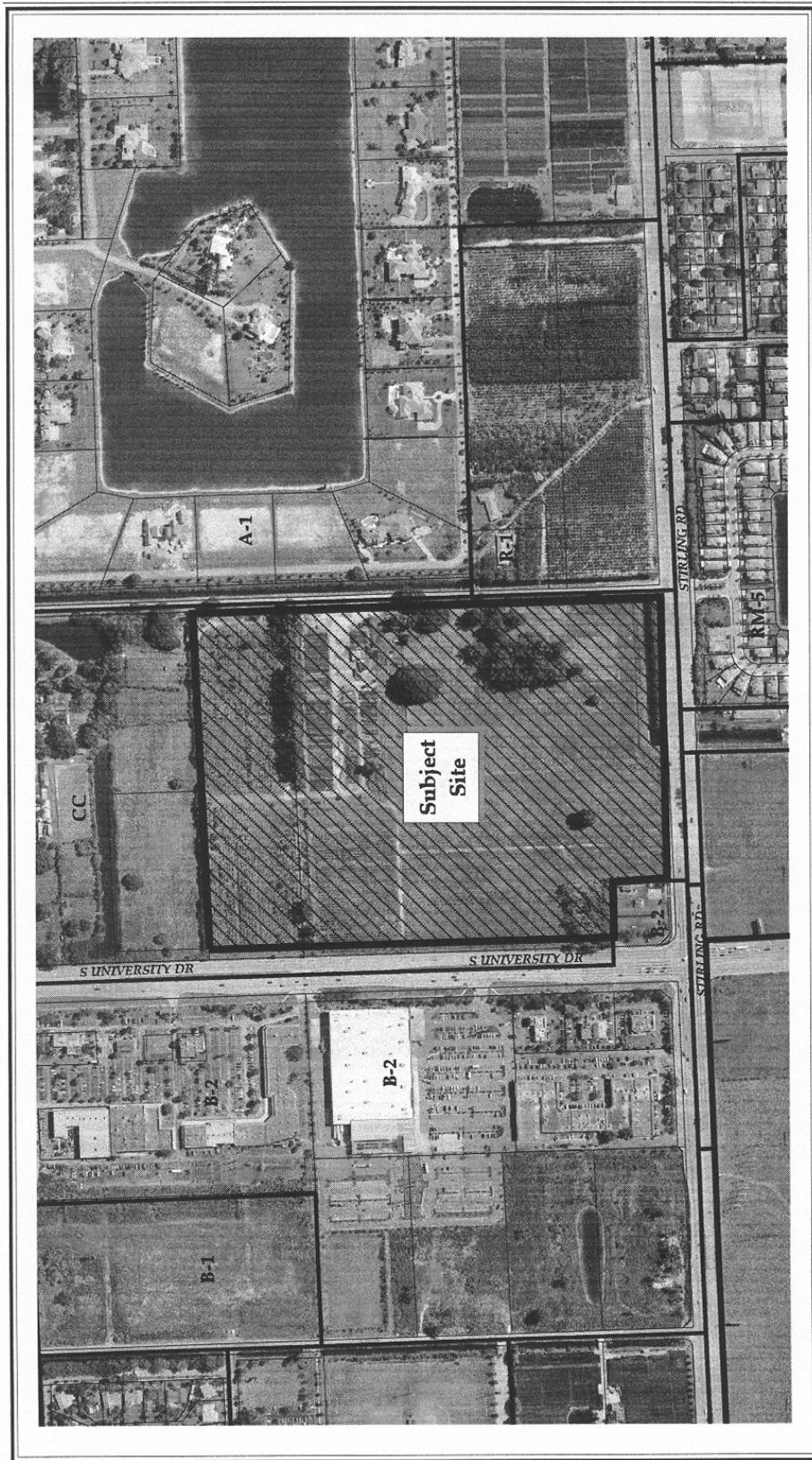


**The Town of Davie**  
Development Service Department  
Planning & Zoning Division





**"Exhibit 4 - Aerial, Zoning, Subject Site Map"**



The Town of Davie  
Development Service Department  
Planning & Zoning Division



Delegation Request  
DG 10-3-04, Lakeside Town Shops  
Aerial, Zoning, Subject Site Map

Prepared By: D.M.A.  
Date Prepared: 5-11-05